

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

In re:

A NOVO BROADBAND, INC.,

Debtor.

EXECUTIVE SOUNDING BOARD  
ASSOCIATES, IN ITS CAPACITY AS  
THE CHAPTER 11 LIQUIDATING  
TRUSTEE OF THE DEBTOR,

Plaintiff,

v.

THE GUARDIAN LIFE INSURANCE  
COMPANY,

Defendant.

)  
) Chapter 11  
)

) Case No. 02-13708 (PJW)  
)

)  
)  
) Adv. Pro. No. 04-55609 (PBL)  
)

) Civil Action No. 04-1477 (KAJ)  
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**STIPULATION OF DISMISSAL**

By their undersigned counsel, the parties hereby stipulate, agree, and jointly move under Federal Rule of Civil Procedure 41 and Federal Rules of Bankruptcy Procedure 7041 that the above-captioned Action (the "Action") is dismissed with prejudice. Each party shall bear its own attorney's fees and costs associated with the Action.

DATED this 6 day of May, 2005.

  
James E. Huggett, Esquire (#3956)

"J" Jackson Shrum, Esquire

FLASTER/GREENBERG P.C.

*Attorneys for Plaintiff Executive Sounding  
Board Associates in its capacity as the Chapter  
11 Trustee of the Debtor*

  
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& RHOADS/LLP

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